Application No. 10/085,836

REMARKS

1.   Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding.

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2.   **35 U.S.C. §103.**

Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pollitt, US # 2003/0069803 A1 (hereinafter Pollitt), in view of Brandenberg *et al*, US #
10   2005/0043060 A1 (hereinafter Brandenberg).

Applicant respectfully traverses.   Comments from previous responses are incorporated herein.

15   In the claimed invention, entire information content (a plurality of stored information content) are each reduced to a unique numeric value of arbitrary length (calculating a plurality of parameter values to a predetermined precision) through the algorithm (by applying an algorithm, each parametric value representing one of the plurality of stored information content). It is the result of the unique numeric value that is stored
20   and referenced as a parameter.   The invention determines if a given content is identical to a previously stored parameter.

Put another way, the invention stores the unique numeric value of arbitrary length as returned by the algorithm as described in the Specification for comparison.   The
25   storage of the received content in Figure 1, Block 110 is a process that is suggested after the comparison has been made.   Removing or modifying the process identified in Block 110 of Figure 1 in the application does not affect the effectiveness of the core invention. This is because the invention uses the information calculated in Block 104 of Figure 1 and makes a comparison in Block 106 of Figure 1 to the stored
30   *representation* of the content in Block 108 of Figure 1. In the invention *one unique number of arbitrary length representing the content* is stored and used in comparison.

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Pollitt, by the Examiner's admission, does not explicitly teach "calculating a plurality of parameter values by applying an algorithm that calculates each of a plurality of stored information contents to a predetermined precision, each parametric value representing one of the plurality of stored information contents... calculating a
5   parametric value representing the received information content."

The reference to Brandenberg discloses a wireless appliance designed to propagate user-sensitive advertisements and information. Brandenberg discloses a pre-defined set of computational similarity factors (paragraphs [0663]-[0672]) because
10 Brandenberg uses a Euclidean proximity relationship between geographic location and user interests. These computational similarity factors are not each <u>one unique number of arbitrary length representing the content</u>.

Also, in contrast, the claimed invention is not constrained by specific, pre-defined
15 factors and it requires no interaction with users. The claimed invention compares an arbitrary set of factors and the constraint is self-adjusting, self-loading and does NOT require a pre-load of random content or a user to "rate content" over time as does Brandenberg's disclosure (paragraphs [0679]-[0680]). Brandenberg requires categories to be pre-loaded and interaction with the user to be functional. The
20 claimed invention is enabled without being constrained by such requirement.

Further and more specifically, Brandenberg simply discloses:
        that "communications such as instant messages and email are typically represented in a textual format" [0299];
25   that the "routines are set up to filter the parameters that participate in the similarity calculation. For the first three listed above, this is just "use" or "do not use," for the associations. It is a mask for each association. When selecting mentors, content associations are the primary mechanism, with location/time being secondarily used" [0672]; and
30   that the "...neediness agent 461 analyses and compares Digital Content items A, B, C, D, E, F, and G with contextual user profile 411" [0724].

Brandenberg discloses a general content request is received from a user. Based on the amount of space available on the device for new content, the existing payload for

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that user is reviewed and the appropriate content is selected and sent to their device. The user's content payload is also refilled in parallel. The payload starts out as generic content but over time becomes tailored to each individual's preferences. The payload is refilled by randomly selecting positive ratings from the user ratings history

5   for that particular user. It then searches for content in the general content pool that is close to it based on a Euclidean distance, which is the straight line distance between two points, measure plus space and time parameters of where the particular rating was made. [See 0681-0682].

10   Brandenberg is simply concerned with scheduling presentation of digital content. Nowhere in Brandenberg it is disclosed or suggested calculating a plurality of parameter values by applying, to a predetermined precision, an algorithm to each of a plurality of stored information contents. Nowhere in Brandenberg is it disclosed or suggested applying the algorithm to the received new information content to

15   calculate a new parametric value.

Therefore, in view of the argument hereinabove and the amendment to the independent claims, it is evident that none of the prior art of reference alone or in combination:

20   suggest the desirability of the claimed invention because at the least there is no reference to representing an entire content as a parameter;

         can be combined with or modified to teach the invention because at the least no algorithm is applied to a content to produce a parameter that represents the entire content;

25   render reasonable expectation of success because their combination cannot perform the invention (a new content could not be handled in the way of the claimed invention); and

         not all claim limitations are taught or suggested.

30   Accordingly, a prima facie case of obviousness is not established as the three basic criteria are not met. Therefore, the independent and hence the dependent claims are deemed to be in condition for allowance. As such, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the
5   Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call (650) 474-8400 to discuss the response.

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Respectfully Submitted,

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